

REMARKS

The issues outstanding in the Office Action mailed August 11, 2004, are the rejections under 35 U.S.C §102. It is noted that claims 4 - 12, 14 - 17 and 22 have been indicated as being allowable.

Claims 1 - 3, 13, 18, 20, 21 and 23 - 25 are rejected under 35 U.S.C §102(a) over FR 2,772,634. Reconsideration of this rejection is again respectfully requested.

As will be recalled, the French application is discussed at length in the present specification, e.g., at page 3, lines 13 - end and the first portion of page 4. In the French application, the applicants require a bypass line that connects the chambers of a distributor plate to the chamber of *another* downstream distributor plate, at least one bed away. See page 5, lines 22 - 25 of the French application.. In FIG. 1 of the French application, lines L_{1,2} and L_{3,4} clearly show connection to various distribution chambers of the column.

It is previously been argued that such a teaching, and the orientation of the reference application, does not suggest an orientation such as that claimed herein where a bypass line communicates with a distribution chamber and a "zone being distinct from a distribution chamber." However, the Office Action strains the plain meaning of this language, arguing that the reference bypass line, connected to two distribution chambers, is in fact connected on one end to a "zone of an adsorbent bed...which is distinct from the *first* distribution chamber...". See page 2 of the Office Action. The Office Action continues that the bypass line recited in the present claim 1 "merely requires the one end of the bypass line communicate with a zone which is 'distinct from *a* distribution chamber,' but does not preclude this one end from being connected to a *second* (i.e., different) distribution chamber." It is submitted that this is not a reasonable interpretation of the claim.

Claim 1 defines a distribution chamber Ci, and states that "at least one end of said at least one bypass line communicates with a zone...of an adsorbent bed, said zone being distinct from *a* distribution chamber, and another end of said at least one bypass is connected to *said chamber* (Ci)." It is submitted that the language "being distinct from *a* distribution chamber" can only be

interpreted as meaning distinct from *any* distribution chamber, not just distinct from Ci. Otherwise, the claim would have specifically recited that the bypass line was distinct from *the* distribution chamber Ci. The claim does not do so. It is submitted that interpreting the word "a" as meaning distinct from only *one* distribution chamber, but potentially connected to any other distribution chamber, strains the plain meaning of the words.

Accordingly, it is submitted that FR '634 fails to anticipate the present claims, and withdrawal of this rejection is respectfully requested.

Claims 1 - 3, 13, 18, 20, 21 and 23 - 25 have also been rejected under 35 U.S.C §102(e) over Hotier '224 or Ferschneider '537. Reconsideration of these rejections is also respectfully requested.

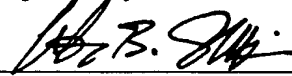
Hotier is the U.S. equivalent to FR '634. Thus, the above discussion applies. Note the discussion at column 4, lines 14 - 18. Thus, Hotier also does not disclose the presently claimed orientation, and withdrawal of this rejection is also respectfully requested.

Ferschneider, similarly to Hotier, discloses only a bypass line which is connected to distribution chambers of the apparatus. See column 4, lines 26 - 30, and lines Lij in FIG. 1. Accordingly, this patent also fails to anticipate the presently claimed apparatus, and withdrawal of this rejection is also respectfully requested.

The claims of the application are submitted to be in condition for allowance. However, if the Examiner has any questions or comments, he is cordially invited to telephone the undersigned at the number below.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



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